IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Plaintiff, vs. DETENTION ORDER OMAR MARTINEZ, Defendant. A. Order For Detention After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on June 20, 2012, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i). B. Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds:	UN	IITED STATES OF AMERICA,	0.4000450
A. Order For Detention After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on June 20, 2012, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i). B. Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds:		Plaintiff,) 8:12CR153)
A. Order For Detention After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on June 20, 2012, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i). B. Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. C. Finding Of Fact The Court's findings are based on the evidence which was presented in court and contained in the Pretrial Services Report, and includes the following: X (1) Nature and circumstances of the offense charged: X (a) The crime: the distribution of methamphetamine (Count I) in violation of 21 U.S.C. § 841(a)(1) carries a minimum sentence of five years imprisonment and a maximum of forty years imprisonment. (b) The offense is a crime of violence. (c) The offense involves a narcotic drug. (d) The offense involves a large amount of controlled substances, to wince the defendant and the defendant including: (a) General Factors: The defendant has no family ties in the area. X The defendant has no substantial financial resources. The defendant has no substantial financial resources. The defendant has no substantial financial resources. The defendant has a history relating to drug abuse. The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. The defendant has a prior record of failure to appear at		vs.	DETENTION ORDER
A. Order For Detention After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on June 20, 2012, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i). B. Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. C. Finding Of Fact The Court's findings are based on the evidence which was presented in court and contained in the Pretrial Services Report, and includes the following: X (1) Nature and circumstances of the offense charged: X (a) The crime: the distribution of methamphetamine (Count I) in violation of 21 U.S.C. § 841(a)(1) carries a minimum sentence of five years imprisonment and a maximum of forty years imprisonment. (b) The offense is a crime of violence. (c) The offense involves a narcotic drug. (d) The offense involves a large amount of controlled substances, to wince the defendant including: (a) General Factors: The defendant has no family ties in the area. X The defendant has no steady employment. X The defendant has no substantial financial resources. The defendant has an substory relating to drug abuse. The defendant has a history relating to drug abuse. The defendant has a history relating to drug abuse. The defendant has a history relating to calcohol abuse. The defendant has a prior record of failure to appear at	OMAR MARTINEZ,		
After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on June 20, 2012, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i). B. Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds:		Defendant.	}
The Court orders the defendant's detention because it finds: X	A.	After conducting a detention hearing purs Act on June 20, 2012, the Court orders th	suant to 18 U.S.C. § 3142(f) of the Bail Reform e above-named defendant detained pursuant
The Court's findings are based on the evidence which was presented in court and contained in the Pretrial Services Report, and includes the following: X (1) Nature and circumstances of the offense charged: X (a) The crime: the distribution of methamphetamine (Count I) in violation of 21 U.S.C. § 841(a)(1) carries a minimum sentence of five years imprisonment and a maximum of forty years imprisonment. (b) The offense is a crime of violence. (c) The offense involves a narcotic drug. (d) The offense involves a large amount of controlled substances, to with the defense involves a large amount of controlled substances, to with the history and characteristics of the defendant including: (a) General Factors: The defendant appears to have a mental condition which may affect whether the defendant will appear. The defendant has no family ties in the area. X The defendant has no substantial financial resources. The defendant does not have any significant community ties. Past conduct of the defendant: X The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. X The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at	B.	The Court orders the defendant's detent X By a preponderance of the exconditions will reasonably assure X By clear and convincing evidence	tion because it finds: vidence that no condition or combination of the appearance of the defendant as required. that no condition or combination of conditions
	C.	The Court's findings are based on the contained in the Pretrial Services Repor X (1) Nature and circumstances of X (a) The crime: the distribut of 21 U.S.C. § 841(a) imprisonment and a m (b) The offense is a crime (c) The offense involves a	t, and includes the following: the offense charged: tion of methamphetamine (Count I) in violation (1) carries a minimum sentence of five years naximum of forty years imprisonment. e of violence. a narcotic drug.
(b) At the time of the current arrest, the defendant was on: Probation Parole Release pending trial, sentence, appeal or completion of		X(3) The history and characteristic (a) General Factors: The defendar may affect wh The defendar X The defendar X The defendar The defendar ties. Past conduct X The defendar	nt appears to have a mental condition which mether the defendant will appear. In that has no family ties in the area. In that has no steady employment. In that has no substantial financial resources. In the defendant of the defendant: In that has a history relating to drug abuse. In that has a history relating to alcohol abuse. In that has a significant prior criminal record. In that has a prior record of failure to appear at dings. The defendant was on:

DETENTION ORDER - Page 2

	(c) Other Factors:
	The defendant is an illegal alien and is subject to
	deportation.
	The defendant is a legal alien and will be subject to deportation if convicted.
	The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
X (4)	The nature and seriousness of the danger posed by the defendant's release are as follows: The nature of the charges in the Indictment and the defendant's criminal history.
X (5)	Rebuttable Presumptions
<u>X</u> (5)	In determining that the defendant should be detained, the Court also relied
	on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)
	which the Court finds the defendant has not rebutted:
X	
	assure the appearance of the defendant as required and the safety
	of any other person and the community because the Court finds that
	the crime involves:
	(1) A crime of violence; or
	(2) An offense for which the maximum penalty is life
	imprisonment or death; or
	X (3) A controlled substance violation which has a maximum
	penalty of 10 years or more; or
	(4) A felony after the defendant had been convicted of two
	or more prior offenses described in (1) through (3)
	above, and the defendant has a prior conviction for one
	of the crimes mentioned in (1) through (3) above which
	is less than five years old and which was committed
~	while the defendant was on pretrial release. (b) That no condition or combination of conditions will reasonably
<u>X</u>	assure the appearance of the defendant as required and the safety
	of the community because the Court finds that there is probable
	cause to believe:
	X (1) That the defendant has committed a controlled
	substance violation which has a maximum penalty of
	10 years or more.
	(2) That the defendant has committed an offense under 18
	U.S.C. § 924(c) (uses or carries a firearm during and in
	relation to any crime of violence, including a crime of
	violence, which provides for an enhanced punishment
	if committed by the use of a deadly or dangerous
	weapon or device).

D. Additional Directives

- Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
 - 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and

DETENTION ORDER - Page 3

3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: June 20, 2012. BY THE COURT:

s/ Thomas D. Thalken

United States Magistrate Judge